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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

9 CHARLES S. LONGSHORE,

10 Plaintiff,

11 v.

12 MASON COUNTY, et al.,

13 Defendants.

CASE NO. 3:18-cv-05069-RJB-JRC

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DENYING MOTIONS

14 This matter comes before the Court on the Report and Recommendation of Magistrate  
15 Judge J. Richard Creatura (Dkt. 40). The court is familiar with the records and files herein and  
16 Objections to the Report and Recommendation filed by Defendants (Dkt. 41) and by Plaintiff  
17 (Dkt. 42). The matter also comes before the Court on the Plaintiff's Motions to Certify  
18 Questions to the Washington State Supreme Court (Dkt. 34) and to the Court of Appeals (Dkt  
19 42). The Court has considered those motions and Defendants' Response (Dkt. 43). It is hereby  
20 ORDERED that:

- 21 (1) The Court adopts the Report and Recommendation.
- 22 (2) The Defendants' Objections to the Report and Recommendation, in which they  
23 ask that the court dismiss Plaintiff's state claims against Defendants Sinclair and  
24 Campbell, are REJECTED. In their Motion for Dismissal (Dkt. 29), the  
Defendants, although they couched their motion in terms of a request for

1 dismissal of all claims against them, only presented argument on federal  
2 Constitutional Claims under the 14<sup>th</sup> and 6<sup>th</sup> Amendments. Neither the  
3 Defendants Sinclair and Campbell, nor the Magistrate Judge, addressed the state  
claims, and it would be inappropriate to dismiss them on the current record. That  
issue may be raised with the Magistrate Judge.

4 (3) The Motion to Dismiss the Federal Claims of Plaintiff (Dkt. 29), filed by  
5 Defendants Sinclair and Campbell, is hereby GRANTED. All federal claims  
against Defendants Sinclair and Campbell are hereby DISMISSED.

6 (4) Plaintiff's Motions to Certify Questions to the Washington State Supreme Court  
7 (Dkt. 34) and to the Court of Appeals (Dkt.42), and Defendants' Motion to Strike  
(Dkt. 36) are DENIED.

8 (5) This matter is re-referred to Magistrate Judge J. Richard Creatura.

9 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
10 to any party appearing *pro se* at said party's last known address.

11 Dated this 16<sup>th</sup> day of July, 2018.

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13 ROBERT J. BRYAN  
14 United States District Judge